

1       **JAMES M. BARRETT      SBN 190274**  
2       **LAW OFFICE OF JAMES M. BARRETT**  
3       **789 CASTRO STREET**  
4       **Mountain View, CA 94041**  
5       **Telephone (650) 969-3687**  
6       **Facsimile (650) 969-3699**

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8       **Attorney for Plaintiff Colonial Stock Transfer**

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10       **UNITED STATES DISTRICT COURT**  
11       **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12       **CAPITAL GROUP COMMUNICATIONS** )       **No.: C07-03632 EMC**  
13    )       **(Related Case)**  
14       **Plaintiff,**                                  )  
15       **vs.**    )  
16       **GOTTAPLAY INTERACTIVE, INC., et al.**)       **EX-PARTE APPLICATION FOR ORDER**  
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16       **COLONIAL STOCK TRANSFER**

17       **Plaintiff,**    **No: C07-04470 EMC**

18  
19       **v.**

20       **GOTTAPLAY INTERACTIVE, INC, ET AL.**

21       **Defendants**

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24       Plaintiff Colonial Stock Transfer (COLONIAL) hereby respectfully apply ex parte for an  
25 order shortening time for concurrently filed Motion for Discharge of Stakeholder in Interpleader

1 Action (“Motion for Discharge”). Shortened time is sought on the ground that a swift hearing on  
2 the issue is required as COLONIAL have a bona fide fear that COLONIAL may be exposed to  
3 multiple liabilities with respect to Disputed Shares because of conflicting claims.

4 This ex parte application to shorten time is brought pursuant to the Court’s inherent  
5 power to control its calendar and the power to shorten time to hear motions under Fed. R. Civ. P.  
6 6(d). The Rule 6(d) explicitly fixes the time for hearing on notice motions “unless a different  
7 period is fixed . . . by order of the court.” The same rule authorizes a party to seek a different  
8 period upon an ex parte application. Thus, this Court has the authority to shorten the time for  
9 hearing on COLONIAL’s concurrently filed Motion for Discharge. It is based upon this ex parte  
10 Application itself, the accompanying certificate of counsel, the concurrently filed Motion for  
11 Discharge, its documentary exhibits in support thereof, COLONIAL seek the first available  
12 hearing date on Motion for Discharge, case no C07-3632 EMC.

14 Upon review of the complete facts, the Court will see that (1) there is continuing threat to  
15 COLONIAL that it will be exposed to multiple liabilities with respect to Disputed Shares  
16 because of conflicting claims by GottaPlay Interactive, Inc (herein “GottaPlay”) and Capital  
17 Group Communications, Inc. (herein “CGC”); (2) COLONIAL has no interest in Disputed  
18 Shares; (3) a probability of success on the merits; and (4) the threat of exposure to multiple  
19 liabilities, when COLONIAL does not have any kind of interest in Disputed Shares outweigh any  
20 kind of threat to Defendants.

22 COLONIAL is a Transfer Agent, who was holding two million shares, common restricted  
23 shares (herein “Disputed Shares”) of GottaPlay issued by Gottaplay to CGC. The Disputed  
24 Shares have been deposited and interplead by COLONIAL by this honorable court’s Civil  
25 Minutes, dated September, 4, 2007.

1 COLONIAL does not have any interest in the Disputed Shares and the relative merit of  
2 the claims in case no.C07-3632 EMC are not relevant, wherein the parties GottaPlay and CGC  
3 disputing the ownership of the Disputed Shares. COLONIAL has a bona fide fear that  
4 COLONIAL may be exposed to multiple liabilities with respect to Disputed Stocks because of  
5 conflicting claims. COLONIAL is requesting that any and all Defendants be restrained from  
6 instituting any action against COLONIAL for recovery of Disputed Shares being interplead with  
7 the Court and that COLONIAL be discharged from any and all liability with regard to claims to  
8 the interpled Disputed Shares.  
9

10 In Motion for Discharge, COLONIAL is requesting COLONIAL be discharged from  
11 further liability to any or all of the defendants named herein under the allegations of the  
12 complaint, and further, that COLONIAL be discharged and relieved of further responsibility of  
13 holding Disputed Shares and that defendants be permanently enjoined from the further assertion  
14 of claims relating to two million shares except by interpleader and assertion of such claims in  
15 this action.

16 Accordingly, COLONIAL respectfully ask that Court shorten the time for hearing  
17 COLONIAL's Motion for Discharge to the earliest available court date. Defendants already are  
18 informed that COLONIAL wants to interplead and have deposited the Disputed Shares with  
19 Court to hold, and they should therefore be able to respond in short time to COLONIAL's  
20 Motion for Discharge.  
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22 **DATE: September 17, 2007**

23 **The Law Office of JAMES M. BARRETT**

24 /s/ James M. Barrett  
JAMES M. BARRETT  
25 Attorney for Plaintiff Colonial Stock Transfer

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